

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

(b) County of Residence of First Listed Plaintiff **MONMOUTH**  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Kevin P. Wigenton, Esq. - WIGENTON LAW FIRM  
125 Harding Road, POB 781, Red Bank, NJ 07701 732 842-6842

**DEFENDANTS**

**MICHAEL A. PADULA, US POSTAL SERVICE,  
et al**

County of Residence of First Listed Defendant **MONMOUTH**  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

**Personal Injury - Automobile Collision**

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

**BRM / TJB**

DOCKET NUMBER **3:17-cv-5443**

DATE

**11-5-17**

SIGNATURE OF ATTORNEY OF RECORD

**[Signature]**

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
Trenton**

**MAUREEN F. TINSLEY,**

**Plaintiff,**

**-vs-**

**MICHAEL A. PADULA (Driver and  
Employee) and UNITED STATES POSTAL  
SERVICES (Owner and Employer), a/k/a  
USPS, and JOHN DOES 1 - 5,**

**Defendants.**

**CIVIL ACTION**

**No.: \_\_\_\_\_ ( ) ( )**

**COMPLAINT and  
JURY DEMAND**

Plaintiff, **MAUREEN F. TINSLEY** (hereinafter referred to as "Plaintiff")  
currently residing at **609 Ridge Avenue, Unit 1 in Asbury Park, New Jersey  
07712**, by and through her attorney, **KEVIN P. WIGENTON, Esq.**, by way of  
complaint against defendants, says:

**STATEMENT OF JURISDICTION**

Plaintiff is a resident of Monmouth County, State of New Jersey. Defendant  
Michael A. Padula was the driver of a postal truck that is owned by Defendant  
United States Postal Service, an agency of the United States government.

## COMPLAINT

1. On or about **March 16, 2016**, in the late morning, Plaintiff was driving her automobile in the **Township of Neptune**, County of Monmouth, State of New Jersey. Plaintiff was traveling north on **State Highway 35**, at the intersection of State Highway 33, when she stopped at the traffic light. After stopping, Plaintiff's automobile was violently struck from the rear by a United States Postal Service truck operated by Defendant Michael A. Padula.

2. At the aforesaid time and place, Defendant Padula was the **operator** of motor vehicle that was involved in a violent, rear-end collision that caused Plaintiff severe injuries, pain and suffering.

3. On or about April 19, 2016, Plaintiff through counsel filed a Notice of Claim, via certified and first class mail, return receipt requested (#7015 1730 0000 1672 7665), with Defendant U.S. Postal Service at its Neptune, New Jersey branch.

4. At the aforesaid time and place, it was the duty of Defendant Padula to operate said motor vehicle in a careful and prudent manner so as not to cause injury to the Plaintiff and said duty was breached by the Defendant Padula.

5. As a result of the carelessness, recklessness and negligence of the defendant, Plaintiff was caused to sustain severe internal and external injuries; was caused to sustain severe physical pain and suffering; and will in the future be caused to sustain severe physical pain and suffering; was caused to incur extensive medical expenses; and was caused to sustain other great losses.

6. Defendant **United States Postal Service (USPS)** negligently allowed Defendant **Michael A. Padula** to operate its motor vehicle. Said Defendant USPS failed to properly screen, supervise, train and/or monitor Defendant Padula so as to prevent injuries to Plaintiff.

7. At the aforesaid time and place, the Defendant **UNITED STATES POSTAL SERVICE (USPS)** was the **owner** of motor vehicle that rear-ended Plaintiff's vehicle in connection with the above mentioned violent collision.

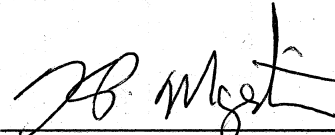
8. At the aforesaid time and place, it was the duty of the Defendant USPS to ensure safe operation of its vehicle by its employee and to make certain that Defendant Padula did not cause injury to others.

9. At the aforesaid time and place, defendant's vehicle violently collided with Plaintiff's vehicle, causing Plaintiff to experience severe injury, pain and suffering.

10. As a result of the carelessness, recklessness and negligence of the defendants, Plaintiff was caused to sustain severe internal and external injuries; was caused to sustain severe physical pain and suffering; and will in the future be caused to sustain severe physical pain and suffering; was caused to incur extensive medical expenses; and was caused to sustain other great losses.

**WHEREFORE**, Plaintiff, **MAUREEN F. TINSLEY**, demands judgment against the Defendants **MICHAEL A. PADULA** and **UNITED STATES POSTAL SERVICE** for damages together with interest and costs of suit.

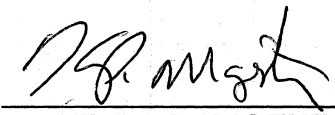
Dated: **November 6, 2017**

  
\_\_\_\_\_  
**KEVIN P. WIGENTON**  
Attorney for Plaintiff

**JURY DEMAND**

**PLEASE TAKE NOTICE** that Plaintiff demands a trial by jury as to all issues.

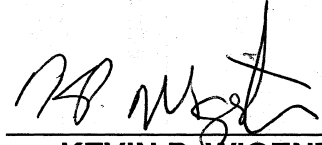
Dated: **November 6, 2017**

  
\_\_\_\_\_  
**KEVIN P. WIGENTON**  
Attorney for Plaintiff

**CERTIFICATION**

I hereby certify to the best of my knowledge that the matter in controversy is related to pending matter: **TANYA KING v PADULA, USPS, et al, Case No.: 3:17-cv-5443 .**

Dated: **November 6, 2017**



**KEVIN P. WIGENTON**

Attorney for Plaintiff

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